

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING

To:

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D.I. International Patent Office 304, Dukam Bldg., 1457-2
Seocho3-dong, Seocho-gu, Seoul 137-867, Republic of Korea

PCT

WRITTEN OPINION

(PCT Rule 66)

Date of mailing
(day/month/year) 16 NOVEMBER 2004 (16.11.2004)

Applicant's or agent's file reference
DBT/031001/Y

REPLY DUE within 2 months from
the above date of mailing

International application No.

PCT/KR2003/002175

International filing date (day/month/year)

17 OCTOBER 2003 (17.10.2003)

Priority date(day/month/year)

17 OCTOBER 2002 (17.10.2002)

International Patent Classification (IPC) or both national classification and IPC

IPC7 C07C 335/04, C07C 275/64, C07C 327/38

Applicant

DIGITAL BIOTECH CO., LTD. et al

1. This written opinion is the first (first,etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When ? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d)

How ? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3
For the form and the language of the amendments, see Rules 66.8 and 66.9

Also For an additional opportunity to submit amendments, see Rule 66.4
For an examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis
For an informal communication with the examiner, see Rule 66.6

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 07 FEBRUARY 2005 (07.02.2005)

Name and mailing address of the IPEA/KR



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Republic of Korea

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Authorized officer

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Telephone No. 82-42-481-5536



WRITTEN OPINION

International application No.

PCT/KR2003/002175

I. Basis of the opinion

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement) under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language English which is

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☒ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheet/fig _____

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

WRITTEN OPINION

International application No.

PCT/KR2003/002475

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-18	YES
	Claims	None	NO
Inventive step (IS)	Claims	None	YES
	Claims	1-18	NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims	None	NO

2. Citations and explanations

D1: WO 02/16318 A1

D2: WO 02/16319 A1

본원의 특허청구범위 제1항 내지 제18항은 화학식(Ⅰ) 또는 화학식(Ⅱ)로 표기되는 화합물과 이의 바닐로이드 수용체에 대한 길항제로서의 용도에 관한 것이고,

D1, D2 역시 본원발명의 화합물과 기본 구조가 동일한 티오우레아 유도체 및 이의 바닐로이드 수용체 길항제로서의 용도에 관한 것입니다.

본원발명의 화합물은 D1, D2의 화합물과 비교하여 그 기본 구조가 동일하고 다만, D1, D2에 기재된 화합물의 질소원자에 수산기가 부가된 점이 상이하나, 그 진통효과가 D1, D2의 화합물에 비하여 현저하게 우수한 것으로 인정할 수 없습니다.(표9 참조, 화합물 28, 29, 30, 35의 경우 종래의 티오우레아 화합물에 비하여 현저한 진통효과를 갖는 것으로 볼 수 없음)

따라서, 본원발명은 진보성을 갖는 것으로 볼 수 없습니다.(PCT Article 33(3))